

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85018 of 2025

In
CRIMINAL MISCELLANEOUS No.33486 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Manish Kushwaha S/o- Sakendra Kushwaha Resident of Village- Rajapur
Ahirauliya PS- kotwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate
For the State : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2025 Heard Mr. Saurabh Kumar, learned counsel for the

petitioner as well as Ms. Anita Kumari, learned APP for the

State.

2. The present modification application has been
filed for modify the order dated 21.05.2025 passed in Cr. Misc.
No. 33486 of 2025.

3. By the order dated 21.05.2025, the petitioner was
granted bail with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall
be properly represented on each and every date fixed by the
Court and shall remain physically present as directed by the
Court and on his absence on two consecutive dates without
sufficient reason, his bail bond shall be cancelled by the Court



below.

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

4. The learned counsel for the petitioner submits that due to communication gap on the basis of the information furnished by the Pairvikar, it was stated in paragraph-3 of the bail petition that the petitioner has no criminal history but in fact the petitioner carries one more case other than the present one.

The Court also noticed Section 362 of Cr. P.C./Section 403 of BNSS, which reads as follows :-

*“362/403- Court not to alter
judgment. Save as otherwise provided
by this Code/Sanhita or by any other*



law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

5. In the aforesaid facts and circumstances, the instant modification petition is dismissed.

(Rajesh Kumar Verma, J)

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